IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 523/1998

MST. BADAM BAI Vs. STATE OF RAJASTHAN & ORS.

DATE: 25.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Virendra Singh for
Mr. A.K. Gupta for the complainant-petitioner
Mr. Ashwani Kumar Sharma, PP for the State.
Mr. Mahendra Goyal and
Mrs. Naina Saraf for the accused-non-petitioners.

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The present revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the judgment dated 25.04.98 passed by the Additional Sessions Judge, Chhabara, District Baran in Criminal Revision Nos. 36/95 and 37/95 filed against the order dated 11.09.95 passed by the Civil Judge (Jr. Division) & Judicial Magistrate Ist Class, Chhipa Barod in Criminal Case No. 167/93 (174/88), whereby the Revisional Court i.e the Additional Sessions Judge, Chhabra while allowing the revisions, discharged the accused-non-petitioners from the offence under Sections 494 and 494/109 IPC.

Brief facts of the case are that the complainant-petitioner filed a complaint before the Judicial Magistrate, Chhipa Barod, District Baran on 06.10.87 to the effect that she was married to accused-non-petitioner Surajmal 13 years back meaning thereby the marriage taken place somewhere in the year 1974 in Village Ajanawar according to Hindu rites and from their wedlock three daughters were borne. It was further stated that somewhere in August, 1987 the accused-non-petitioner Surajmal contacted Nata marriage according to the system prevailing in the caste with Santra Bai @ Sunita and both are living as husband and wife in Chhabara.

After hearing on the complaint, the trial Court vide its order dated 11.09.95 has observed that prima-facie case under Sections 494 and 494/109 IPC is made out against the accused-non-petitioners. The said order dated 11.09.95 was assailed by the accused-non-petitioners before the Revisional Court and the Revisional Court after having gone through the order passed by the trial Court and considering the submissions made on behalf of the respective parties, discharged the accused-non-petitioners from the offence under Sections 494 and 494/109 IPC vide its impugned judgment dated 25.04.98 observing that no direct

evidence has been adduced and interested wintesses have been produced to prove the fact that the accused-non-petitioners have entered into Nata marriage, on the contrary there are contradictions in the cross-examination of the witnesses adduced by the prosecution.

Having considered the rival submissions of the respective parties and upon careful perusal of the impugned judgment dated 25.04.98 passed by the Revisional Court, I find no illegality or error in the impugned judgment which do not require any interference by this Court while exercising revisionary powers.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/